

Remarks

November 4, 2004 Interview

The applicant thanks the examiner for the phone interview held between the examiner and the applicant's representative on November 4, 2004.

During the interview, the examiner and the representative discussed, in detail, claims 1 and 19 as well as Keppers et al. U.S. Patent No. 6,017,163. The examiner and the representative also discussed a potential amendment to claim 1, which is reflected in amended claim 1 above, as well as the substance of new claim 45.

The examiner explained that with regard to the Keppers patent, the examiner considers the combination of the spray head 32, the applicator control 35, the applicator control handle 41, and the length of tubing connecting the feed nozzle 32 to the applicator control 35 to be a "valve".

The representative clarified for the examiner that, in claims 1 and 19, it is the wheeled receptacle that includes a spigot. And, although the applicant still finds that Keppers neither teaches nor suggests a spigot, if, for the sake of argument, one were to view Keppers spray head 32, applicator control 35, applicator control handle 41, and tubing connecting the spray head 32 to the applicator control 35 as a "spigot", Keppers still would not disclose the applicant's invention embodied in claims 1 and 19. As stated in claims 1 and 19, the wheeled receptacle, itself, includes a spigot. In Keppers, however, the wheeled cart 10 does not include the alleged "spigot" (i.e., spray nozzle 32, applicator control 35,

applicator control handle 41, and intervening tubing). Instead, it is Keppers' wand assembly 30 that includes the alleged "spigot".

Based on this information, the examiner and the representative agreed that the invention as embodied in original claims 1 and 19 is not disclosed in Keppers, and therefore, that the Section 102 rejection of these claims will be withdrawn. The examiner and the representative further agreed that Keppers does not anticipate claim 1 as amended above.

Amended Claim 1 and New Claim 45

Amended claim 1 and new claim 45 do not introduce any new matter.

In addition, as will readily be appreciated from a reading of the November 4, 2004 Interview section above, the amendment to claim 1 has not been made for any reason material to patentability. For example, the amendment has not been made to overcome a rejection. Instead, the applicant has made the amendment to more-precisely claim the invention embodied in claim 1.


Conclusion

The applicant understands that the examiner will perform a supplemental search, in view of the November 4, 2004 interview and the claims as presented above. If, following the supplemental search, the examiner finds all of the pending claims (claims 1-45) to be allowable, the applicant looks forward to receiving a notice of allowance. If,

however, any issues are identified as a result of the search, the applicant asks the examiner to call the applicant's representative to discuss such issues, thereby facilitating compact prosecution.

Respectfully submitted,

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